

Appl. No. 09/802,787
Amdt. Dated April 28, 2006
Reply to Office action of February 10, 2006

REMARKS/ARGUMENTS

Claims 1-24 are pending in the present application.

This Amendment is in response to the Office Action mailed February 10, 2006. In the Office Action, the Examiner rejected claims 1-6, 9, 10, 15-17, 19-21, and 23 under 35 U.S.C. §102(a). In addition, the Examiner indicated allowable subject matter for claims 7, 8, 11-14, 18, 22, and 24 if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 1, 4-6, 9, 14-19, and 21-23. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-6, 9, 10, 15-17, 19-21, and 23 under 35 U.S.C. §102(a) as being anticipated by "The FreeBSD Documentation Project" ("FreeBSD"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

FreeBSD discloses a FreeBSD architecture handbook. A Newbus has the following features: dynamic attaching, easy modularization of drivers and pseudo-busses (FreeBSD, page 195, lines 1-3).

FreeBSD does not disclose, either expressly or inherently, at least one of (i) dynamically generating an object-oriented abstraction corresponding to a root bus referencing a method that obtains and/or generates configuration and resource allocation information for the root bus and a subordinate bus connected to the root bus; and (ii) registering the method referenced in the object-oriented abstraction via a data structure stored in a memory.

FreeBSD merely discloses "dynamic attach" which is dynamically attaching a device to a driver (FreeBSD, page 196, top paragraph), not dynamically generating an object oriented abstraction. Furthermore, FreeBSD merely discloses a device which uses the method table declared by an associated driver when it is attached to the driver (FreeBSD, page 196, top paragraph), not registering the method via a data structure. Using a method table is not equivalent to registering the method. Registering the method table includes storing information in memory using a handle and a pointer to the object's memory location.

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To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that FreeBSD teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

Therefore, Applicants believe that independent claims 1, 9, 19, and 24 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(a) be withdrawn.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication of allowable subject matter. The Examiner objects to claims 7, 8, 11-14, 18, 22, and 24 as being dependent on a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in light of the amendments and remarks, Applicants respectfully request that independent claims 1, 9, and 19 and all claims that depend therefrom be allowed.

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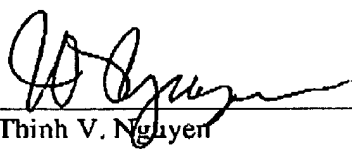
Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: April 28, 2006

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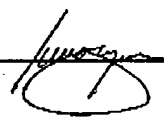
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